

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1747

IN THE MATTER OF:

Served September 8, 1977

Application of EDWARDS TRUCKING)	
COMPANY, INC., for Temporary)	Application No. 1002
Authority and Certificate of)	
Public Convenience and Necessity)	Docket No. 383
to Conduct Charter Operations)	
Pursuant to Contract with)	
Parklawn Commuter Club)	

By Application No. 1002, filed June 3, 1977, Edwards Trucking Company, Inc. (Edwards), seeks a certificate of public convenience and necessity to transport passengers pursuant to a contract with Parklawn Commuter Club (PCC), over irregular routes, between Eastover and Penn Mar Shopping Centers, on the one hand, and, on the other, the Parklawn Building, 5600 Fishers Lane, Rockville, Md., as described in Order No. 1710, served June 16, 1977, and incorporated by reference herein. Edwards has been performing such service since June 16, 1977 pursuant to temporary authority. The application is unopposed.

A public hearing on the application was held on July 21, 1977. At the hearing, Edwards introduced a statement of projected revenues and revenue deductions which reflects anticipated income of \$5,840 during the six-month period of the contract. Corresponding expenses are estimated at \$5,397 resulting in a before-tax profit of \$443 and an operating ratio of 92.4. Applicant's financial statement as of June 30, 1977, lists current assets of \$154,212, total assets of \$360,326, current and long-term liabilities of \$112,102 and \$71,007 respectively, and stockholders equity of \$167,217. Its statement of earnings for the period October 1, 1976, through June 30, 1977, indicates income of \$985,176, operating and administrative expenses totaling \$901,513, and a net income after provision for taxes of \$60,321. *

Edwards is currently providing service in a 25-passenger bus and has available two 15-passenger vans as backup units. It picks up 6 to 8 passengers each morning at Eastover and 12 to 17 passengers at

* The bulk of applicant's revenue and expenses is generated by operations other than the transportation of passengers. Applicant also engages in furniture moving and dump truck operations.

Penn Mar. The price for each round trip is \$40, subject to renegotiation in the event the number of regular riders should increase or decrease by more than three persons. Edwards' insurance provides \$300,000 liability coverage per individual and \$500,000 per occurrence and property damage coverage of \$100,000 per occurrence.

Representatives of Parklawn Commuter Club (PCC) testified that Edwards service has been satisfactory. PCC had used the service and larger buses of Washington Metropolitan Area Transit Authority and McMichael School Bus Service, Inc., in the past, but can no longer afford to do so because of a decrease in the number of riders. Accordingly, the service of a carrier with a smaller capacity bus is required. PCC knows of no other carrier willing to provide such equipment although it solicited service from several carriers.

The Compact, Title II, Article XII, Section 4(b) provides that a certificate of public convenience and necessity shall be granted where an applicant establishes (1) that it is fit, willing and able properly to perform the proposed service and to comply with the provisions of the Compact and the Commission's regulatory requirements, and (2) that the public convenience and necessity require the proposed service. With the provision set forth below, we find that these statutory criteria have been met.

As noted above, Edwards has been granted temporary authority to provide the proposed service, and the termination date of that temporary authority, December 2, 1977, coincides with the expiration of Edwards' current contract with PCC. Obviously, there will be no need for the authority sought herein unless the current contract is extended. Accordingly, issuance of the sought certificate shall be authorized upon compliance with certain conditions, including the filing of a contract extending beyond December 2, 1977.

THEREFORE, IT IS ORDERED:

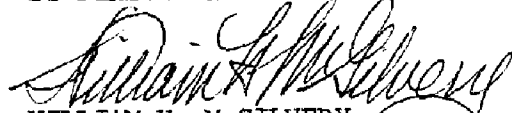
1. That Application No. 1002 of Edwards Trucking Company, Inc., be, and it is hereby, granted.

2. That Edwards Trucking Company, Inc., be and it is hereby, directed to file with the Commission (a) two copies of an appropriate WMATC Tariff in accordance with Commission Regulation 55; (b) two copies of a bilateral contract with Parklawn Commuter Club providing for continuation of service beyond the expiration date of the temporary authority granted in Order No. 1710; (c) a notarized statement of compliance with Commission Regulation 68 governing identification on motor vehicles, within 30 days from the date of service hereof.

3. That unless applicant complies with the conditions set forth in the next preceding paragraph hereof within 30 days, or such additional

time as might be authorized by the Commission, the grant of authority made herein shall be considered null and void and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NO. 40 *

EDWARDS TRUCKING COMPANY, INC.

CLINTON, MARYLAND

By Order Nos. 1649 and 1747 of the Washington Metropolitan Area Transit Commission issued February 8, 1977, and September 8, 1977;

AFTER DUE INVESTIGATION, it appearing that the above-named carrier is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District as a carrier, for the reasons and subject to the limitations set forth in Order Nos. 1649 and 1747;

THEREFORE, IT IS ORDERED that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder thereof to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter be, attached to the exercise of the privilege granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below:

IRREGULAR ROUTES:

- A. CHARTER OPERATIONS, PURSUANT TO CONTRACT to transport employees of the United States Government and persons traveling on official government business, together with mail, pursuant to a contract or contracts with United States Department of Commerce, National Oceanic and Atmospheric Administration:

(1) Between FB-4 Building, Silver Hill and Suitland Roads, Suitland, Md; World Weather Building, 5200 Auth Road, Camp Springs, Md.; Washington Navy Yard, Washington, D. C.; Department of Agriculture Buildings, 12th Street and Independence Avenue, S. W., and 14th Street and Independence Avenue, S. W., Washington, D. C.; Department of Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C.; and Page Building, 3300 Whitehaven Street, N. W., Washington, D. C.

(2) Between WSC Buildings, 6001 and 6010 Executive Boulevard, Rockville, Md.; North Bethesda Office Center, 11420 Rockville Pike, Rockville, Md.; and Grannax Building, 8060 - 13th Street, Silver Spring, Md.

(3) Between Page Building, 3300 Whitehaven Street, N. W., Washington, D. C.; WSC Buildings, 6001 and 6010 Executive Boulevard, Rockville, Md.; North Bethesda Office Center, 11420 Rockville Pike, Rockville, Md.; Grannax Building, 8060 - 13th Street, Silver Spring, Md.; University of Maryland, Regents Drive, College Park, Md.; ACF-1 Building, 6501 Lafayette Avenue, Riverdale, Md; and Department of Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C.

- B. CHARTER OPERATIONS, PURSUANT TO CONTRACT to transport employees of the United States Government and persons traveling on official government business, together with mail, pursuant to a contract or contracts with United States Nuclear Regulatory Commission:

Between the facilities of Nuclear Regulatory Commission at 1717 H Street, N. W., Washington, D. C., and the facilities of Nuclear Regulatory Commission at 7290 Norfolk Avenue, Bethesda, Md.

- C. CHARTER OPERATIONS, PURSUANT TO CONTRACT to transport members of the Parklawn Commuter Club pursuant to a contract with the Parklawn Commuter Club, from Eastover Shopping Center, Oxon Hill, Md., to the Parklawn Building, 5600 Fishers Lane, Rockville, Md., and return, serving Penn Mar Shopping Center, Forestville, Md., as an intermediate point.

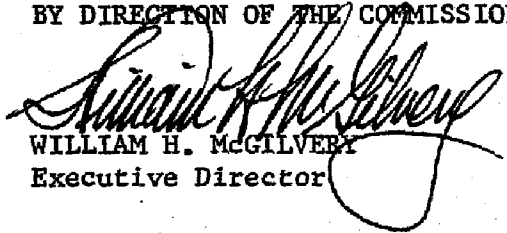
RESTRICTION: The authorities granted herein shall not be construed as conferring more than a single operating right.

IT IS FURTHER ORDERED that the operations authorized by parts A, B, and C of this certificate of public convenience and necessity shall be limited to the performance of service pursuant to a continuing contract or contracts between Edwards Trucking Company, Inc., and (A) United States Department of Commerce, National Oceanic and Atmospheric Administration, (B) United States Nuclear Regulatory Commission, and (C) Parklawn Commuter Club, respectively, provided, however, that written notice must be filed by the carrier with the Commission within five (5) days of any cancellation or termination of any of the aforementioned agreements, and further provided that any change in or amendment to any of the aforementioned agreements shall be filed with the Commission for approval at least fifteen (15) days prior to the proposed effective date of such change or

amendment, and further provided that any change or amendment to any of the aforementioned agreements which would involve new authority shall be subject to the provisions of the Washington Metropolitan Area Transit Regulation Compact and the Rules and Regulations of the Commission.

AND IT IS FURTHER ORDERED and made a condition of this certificate that the holder thereof shall render reasonable, continuous and adequate service to the public in pursuance of the authority granted herein, and that failure so to do shall constitute sufficient grounds for suspension, change or revocation of the certificate.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERAY
Executive Director

- * This certificate cancels and supercedes Certificate of Public Convenience and Necessity No. 40, issued February 8, 1977, as an attachment to Order No. 1649.